



# We Are a Part of the Land and the Land Is Us: Settler Colonialism, Genocide & Healing in California

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## Abstract

This essay proposes that the history of California includes the intended destruction and decimation of native cultures, including their forced removal, illegal land acquisition, slavery, separation of families, and outright murder enacted by the private citizenry and governmental agencies during European contact can be defined as genocide as outlined by the United Nations Geneva Convention, 1948. The lasting legacy of contact on aboriginal lifeways and tradition, as well as the recent resurgence of native traditions and culture is addressed to suggest that the health and healing of native communities lies in reconciling the past to make passage into the future.

## Introduction

In 1979, Hupa and Cherokee scholar Jack Norton lamented over both the consequences and unfinished business of the California Indian genocide. While the state sanctioned killing of California Indians occurred well over a century ago, the impacts of that violence continue to be felt in Indian Country. Norton (1979) writes:

In two hundred years of brutal occupation they have *repeatedly committed genocide in one form or another*. Its patterns, its pervasiveness, its massive conspiracy is so common and well understood that its horror is diffused. It is so embedded in clichés of white manifest destiny, that the magnitude of the crime is transformed into inevitability or high moral principles... The American citizens have inherited the patterns, the scheme and the *business of making America great*. And to accomplish this task, the policies of two hundred years of white supremacy and destiny have been embraced and accepted by society (125, emphasis added).

The genocide that founded California is erased from state curricula and the consciousness of its settlers. However, Norton understands genocide, much like settler colonialism, as a process that is often ongoing and that can take many forms. The building of the American nation-state and the State of California were fundamentally dependent upon violence against Indigenous people -- and continue to be so. In other words, the United States was born out of genocide. The 'business of making America' great, as Norton phrases it in 1979, was a business of Indian killing and the plunder of natural resources justified by white supremacy and manifest destiny.

Thirty-seven years later, in 2016, the Trump administration came into power -- relying on the campaign slogan "*Make America Great Again*." Embodying American exceptionalism, this slogan perpetuates an American mythology predicated on the ideological construction of the United States as morally righteous and divinely ordained. This narrative also erases the violence required to create the United States -- and the ongoing structural violence of U.S. occupation on stolen Indigenous land. Historian Ned Blackhawk (Western Shoshone) argues, in his award-winning book *Violence Over the Land*, that American exploration and conquest required violence to organize economies and settlements. This is because "people do not hand over their land, resources, children, and futures without a fight, and that fight is met with violence" (Dunbar-Ortiz 2014:8). This violence must then be institutionalized to maintain systems of domination over Indigenous peoples. In other words, "violence and American nationhood, in short, progressed hand in hand" (Blackhawk 2006:9). The United States, as we know it today, would not exist without genocidal measure inflicted upon Indigenous peoples and the expropriation of Indigenous lands; indeed, what Norton points out -- and Trump misses completely -- is that the construction of America's 'greatness' rests on racial capitalism, land theft, and settler colonial violence.

This essay seeks to understand the interconnections between settler colonialism and genocide -- with an explicit focus on land dispossession and environmental destruction -- and what that means for California Indians today. Settler colonialism is a historical and ongoing

structure of Indigenous land dispossession. Scholars have varied viewpoints on the relationship between settler colonialism and genocide. Historian Roxanne Dunbar-Ortiz (2014) argues settler colonialism is "inherently genocidal" because it is predicated on the elimination of Native peoples (p. 9). Patrick Wolfe (2006), however, argues settler colonialism is "not invariably genocidal" as elimination can occur without constituting genocide (p. 387). While we cannot conflate these terms, I argue settler colonialism produces what Tony Barta calls "relations of genocide" (2000). Specifically, I understand these "relations of genocide" as settler colonial orientations to land and environmental destruction. Throughout my analysis, I suggest that the kinship-oriented relationships to land held by Indigenous peoples, as well as the theorization of land within Indigenous Studies, works to complicate and expand contemporary notions of genocide.

The State of California epitomizes settler colonial genocide as its very existence emanated from the genocide of Native peoples. And recently -- on June 18, 2019 -- California Governor Gavin Newsom acknowledged and apologized for the genocide against California Indians. Specifically, he stated: "It's called a genocide. That's what it was. A genocide. [There's] no other way to describe it and that's the way it needs to be described in the history books. And so I'm here to say the following: I'm sorry on behalf of the state of California" (Luna 2019). While this is certainly an improvement over the American exceptionalist rhetoric of the Trump administration -- especially considering that the United States Federal Government has never

acknowledged genocide against Native Americans in any form (Gilio-Whitaker 2019) -- acknowledgements and apologies must come with action. In line with Gilio-Whitaker's critique of acknowledgement, Hupa scholar Stephanie Lumsden tweeted the following shortly after Newsome's acknowledgement of genocide.

With humor and wit, Lumsden articulates a connection between the historic land dispossession of California Indians, genocide and the ongoing project of settler colonialism. Contemporary inequalities experienced by California Indians -- and, indeed, Native peoples throughout Turtle Island -- can all be traced back to land and the dispossession thereof. Or, as Hupa scholar Brittani Orona phrases in the short documentary *History of Native California*: "we are a part of the land and the land is us." Indigenous studies scholar and political ecologist Clint Carroll (2015) argues that all contemporary social, political, economic issues in Indian Country "come back to the issue of land and the degree of our connection to it" (p. 12). The theft

of Native lands continues to be justified through the legal fiction of the Discovery Doctrine and ideological constructions of Manifest Destiny. The destruction of Native lands continues in the name of capitalistic resource extraction and economic development. The ongoing project of settler colonialism -- aimed at the dispossession of Indigenous lands and erasure of Indigenous people -- is founded on genocide.

This article is organized into three key sections. The first section examines the consistent denial of the California Indian genocide by both historians and the broader American public. The second section provides a brief historical narrative of the California Indian genocide for the potentially unfamiliar reader. This section does not set out to *prove* that a genocide did occur, as this has already been rigorously documented by numerous scholars. The third section makes a significant departure and explores the theoretical underpinnings of settler colonialism and genocide. Here I explore the notion that healing from the California Indian genocide requires both land

Figure 1



**Stephanie Lumsden**

@ndnwomyn

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Does the @GavinNewsom acknowledgement of genocide come with land? No? Then it doesn't fucking matter does it.  
#givethelandback #caindians

5:49 PM - 20 Jun 2019



reparations and ecological restoration. Put simply, we must call for decolonization. Decolonization, as Tuck and Yang (2012) argue, is not a metaphor, nor does it have a synonym; decolonization “in the settler colonial context must involve the repatriation of land... that is, *all* of the land, and not just symbolically” (p. 7). And thus, one cannot talk about healing without talking about land; that connection is deeply rooted. To heal from the genocide, California Indian communities need land reparations. That isn’t to say that communities without land bases are incapable of healing from the traumas of settler colonial genocide, but rather that the theft of land was an important component of genocide and therefore the restitution of lands must be an important component of healing from genocide. And thus, I argue, to heal a people from genocide, you also need to heal the land -- because we are a part of the land and the land is us.

### **Denial of the California Indian Genocide: “Yes There Was, It Was Genocide”**

In this pithy blog post title by Dr. Cutcha Risling Baldy, a Hupa, Yurok, and Karuk scholar as well as the Department Chair of Native American Studies at Humboldt State University, she humorously preempted the widespread denial -- by students and historians alike -- of the California Indian genocide. In this post, Risling Baldy discusses the skept-

icism she faces by students when they finally learn that a genocide occurred in California and that the very formation of the state is tied to this genocide. And yet, even professors of history deny that such a genocide occurred. When Maidu / Navajo student Chiitaanibah Johnson spoke up in a history course with Maury Wiseman, a history professor at CSU Sacramento, to argue that a genocide occurred in California, Wiseman allegedly claimed that genocide was not an appropriate word to describe what happened in California because Native people primarily died of disease.<sup>1</sup> Historians cling to this narrative, referred to by historian Roxanne Dunbar-Ortiz (2014) as a terminal narrative. “Commonly referred to as the most extreme demographic disaster -- framed as natural -- in human history, it was rarely called genocide until the rise of Indigenous movements in the mid-twentieth century forged questions” (p. 40). By attributing Native American demise to disease, scholars avoid culpability and reinforce the notion that Native Americans are biologically inferior -- simply not meant to survive into the age of modernity.

Historians -- and the broader American public -- simultaneously mitigate and espouse the violence that occurred to Indigenous peoples. James Fenelon and Clifford Trafzer (2014) provide six key reasons why historians -- and American citizenry -- deny, dismiss, or distort genocide against California Indians (and Native Americans broadly):

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1. While it is technically true that many California Indians did, in fact, die of disease, Wiseman’s argument severely simplifies the complexity of genocide. If one is sick during a genocidal event, one does not stop to care for themselves. You hide, you run, you pray. The question is more complicated than “did you die of the flu?” (Risling Baldy).

- (a) the difficult analysis of genocide in California because of the *lack of precedent*;
- (b) *general denial* among scholars, historians, and sociopolitical forces;
- (c) an inability to establishing *intentionality* (critical to proving genocide);
- (d) Inapplicability of *contemporary models*;
- (e) Lack of temporal sequencing between *systems* (e.g., missions to U.S. Indian policy);
- (f) Failure to *take responsibility* by descendants and *beneficiaries of genocidal policies* (similar to throughout the United States generally) (p. 13).

Fenelon and Trafzer provide detailed analysis of all six reasons that historians refute the reality of the California Indian genocide despite extensive historical documentation. Rather than reiterating that analysis here, I would suggest that there remains an underlying thematic connector between these points of disagreement. The California Indian Genocide was essential to the creation of California as both state and contemporary property ownership configurations (as well as water and other natural resources). The centrality of genocide to the settler's way of life is a daunting epistemic realization.

The justification and rationalization of the genocide in California, committed by settlers, is perpetuated to this day. It is found in its absence: absence from school curricula, absence from tourist leaflets, absence from thought. However, within my experiences as an educator within the university structure, students are hungry for this information. Even

students that are not enrolled in my courses seek me out to obtain historically accurate information about the history of California. While drafting this article at a cafe, a student approached me to share that one of her professors also denied that a genocide took place in California and, much like Maury Wiseman, claimed that we had merely died of disease. California Indians are screaming out the truth, but "the collective silence on this genocide is so loud" (Risling Baldy 2015).

My task at hand is not to prove that a genocide occurred in California as it has been rigorously documented by many. Two recent published texts include Brendan Lindsay's (2012) *Murder State: California's Native American Genocide, 1846-1873* and Benjamin Madley's (2016) *An American Genocide: The United States and the California Indian Catastrophe*. Each text provides detailed historical accounts of genocide and explicitly analyzes them within the context of the UN Genocide Convention definition. While these lauded texts are rife with historical evidence, California Indian scholars are challenging historical representations of genocide in California. Hupa scholar Stephanie Lumsden, for example, makes a very important methodological critique of Madley's *An American Genocide*. Lumsden argues that "Madley is methodologically upholding a settler narrative of disavowal that locates genocide exclusively in the past" (Lumsden 2018:3). The Freudian concept of disavowal is characterized by "simultaneous acknowledgement and denial" that "allows [for] the rejection of some perception of reality because, if accepted as real, that perception would threaten the integrity of an existing worldview"

(Madsen 2012:xi). The slavery and genocide of California Indians challenges ideologies of terra nullius and manifest destiny and, indeed, the very legitimacy of the liberal democratic settler state. While scholars are now beginning to address the historical evidence of the California Indian genocide, within their scholarship it remains a purely historical phenomenon. Similar to how settler colonialism is often perceived as an event that is over now, genocide is temporally bounded by historians. Lumsden, however, stresses that:

What must be remembered then, is that the genocide enacted by the settler state against California Indian peoples continues to frame the material conditions of our lives and that the disavowal of that relationship is necessarily incomplete... By locating California Indian genocide in a fixed moment in time Madley, intentionally or not, limits how we might understand the logics of elimination as they are deployed by the state in the contemporary moment. (Lumsden 2018:11-12)

Native peoples in California continue to live with the impacts of genocide. Lumsden's (2016) scholarship demonstrates the ways in which the incarceration of Native peoples continues the work of settler colonialism by displacing Indigenous jurisprudences, physically removing Native peoples from their land, and "much like the early practices of genocide in California, it keeps Native people from reproducing Indian identity, culture, land, and children" (p. 33). I argue throughout this essay that this is also done through the continued dispossession

and contamination of Indigenous lands.

Works such as Hupa/Cherokee scholar Jack Norton's (1979) text *When Our Worlds Cried: Genocide in Northwestern California*, in contrast to works such as Madley's, center Indigenous experience and conceptualize genocide as a pattern of violence -- rather than a phenomenon temporally bound in the past. Moreover, Norton has been writing about genocide in California well before it became trendy and thus his text significantly predates contemporary historical scholarship on the California Indian genocide. Norton is the first scholar to use the UN Genocide Convention definition to frame his evidence of the California Indian genocide. California Indian scholars are still relying on this text. In a Spring 2017 issue of *News from Native California*, Hupa scholar Brittani Orona reviewed the book. She reflects on the importance of finding this text as a young historian and how it helped guide her through college and eventually her doctoral work in Native American Studies. Orona (2017) writes:

The impact of Jack Norton's work, however, has stayed with me well into my academic career. I continually reach for the book to better understand how we survived the unspeakable violence that nearly destroyed our worlds. I marvel at what my ancestors survived under such intense hatred and evil... We survived and we must, as Norton asserts, continue to carefully discern every act of violence and to bear witness to the truth of that violence (p. 33-34).

Like Orona, I also found power and motivation within this text. Additionally,

Norton helped shape my scholarship during my formative years of graduate school and encouraged me to make ideological connections between settler violence against Indigenous bodies and settler violence against Indigenous lands, and recognize the ways in which this violence is continually reproduced today.

### **The California Indian Genocide: Brief Historical Narrative**

California Indians experienced three distinct waves of genocide. Spanish missionization, the first wave of California genocide, lasted from 1769-1820. The second wave ranged from 1821 to 1845, between the end of the missionization period and the Mexican-American War. The third and final wave of California genocide coincided with the Gold Rush; this genocide lasted from 1846-1873 (Tolley 2006). It is estimated that the death toll of California Indians between 1770 and 1900 was over 90% of the population – decreasing from 310,000 to less than 20,000 (Cook 1978). Some California Indian scholars suggest this figure was significantly higher than 310,000 and may have been closer to one million.

The Spanish Catholic missionization of California lasted from 1769 to 1820. Spanish priests summoned soldiers to round up California natives to construct adobe brick missions under slave-like conditions; many were forced to reside within mission walls and practice Spanish Catholicism. Deborah Miranda (2013), in her tribal memoir *Bad Indians*, defines Missions: “Massive Conversion Factory centered around a furnace constructed of flesh, bones, blood, grief, and

pristine land and watersheds, and dependent on a continuing fresh supply of human beings, specifically Indian, which were in increasingly short supply” (p. 16). Resistance, however, loomed large. California Indians continued to practice their ceremonies under the guise of Christianity and some Tribes, such as the Kumeyaay, destroyed the mission altogether. During the second wave, from the end of missionization to the start of the Mexican-American War, trading and ranching increased throughout the region; as a result, many California Indians were sold into slavery to be exploited for their labor and diseases began to ravage Native communities (Reséndez 2016; Tolley 2006). While slavery and disease certainly had negative impacts for Indigenous California, Forbes argues that “generally speaking, the Spanish and Mexican period had very little overall cultural impact upon Indian people aside from the great population reduction” (Forbes 1971:239). This speaks to both the resiliency of California Indians, but also the extreme measures taken by the United States Federal Government and the State of California to eradicate California Indians and solve the Indian Problem.

The infamous California Gold Rush – celebrated as a feat of American ingenuity and perseverance – resulted in the destruction of Native California communities and environments. “The Gold Rush was an instrumental event in the economic history of California, setting the tone, mind-set, fervor, and conditions for the exploitation of other resources and the mistreatment of minorities” (Anderson 2005:91). The Gold Rush marks a legacy of American colonialism that relegates Indigenous lands and bodies as wastelands



while simultaneously glorifying a constructed 'California Story' – a narrative of nineteenth century California history as a heroic tale of how the West was won.

Violence against peaceable Indians was to be deplored – so went the emerging California Story – but as an inferior civilization stuck in the past they were destined to extinction anyway... This revisionist view of the past quickly became incorporated into the teaching of history in schools and museums, the commemoration of significant events and people, and the development of the state's cultural identity in magazines, travelogues, adventure stories, and public gatherings. (Platt 2011:57)

This story rationalized "Settler colonialism, exculpated white Americans for nineteenth- and twentieth-century violence, and erased Indigenous People from the historical and contemporary scene" (Bauer Jr. 2016:5). From classrooms to State Senate meetings, the California Story continues to endure.

In response to such widespread historical amnesia, California Indians continue to tell their stories and produce educational materials that counteract public curricula predicated on lies. In reality, the Gold Rush resulted in "massacres, slavery, and the environmental raping of the land" (Lowry et al., 1999:1). And, of course, Jack Norton's work continues to be a foundational text on the California Indian genocide. He argues that Northwestern California represents

... relatively small geographical area is a microcosm of the brutal savage-

ry of the white anglo-saxon transient, who came to rape a land and a people. Those shibboleths of *inevitable conflict*, the *greatest good for the greatest number*, and the *destiny of the white man*, are the ramblings of a violent national attitude that brought death, destruction and dishonor upon the western hemisphere. (Norton 1979:xi)

Norton recounts numerous massacres replete with gruesome detail. He argues that gold and greed is what "ignited the brutality, savagery, and filthiness of those early white men" (Norton 1979:38). Contemporary scholars, such as Benjamin Madley and Brendan Lindsay, have built upon the work of Norton and others (Heizer 1974; Norton 1979; Trafzer and Hyer 1999). Lindsay focuses on the ways in which the California Indian genocide was fueled by preexisting racism, facilitated through democratic procedure, and advertised through media (Lindsay 2012). Madley's work constitutes year-by-year recounting of the California Indian genocide; he analyzes the state and federal decision-makers, the organization and funding of the genocide campaign, and the roles of vigilantes, volunteer state militiamen, and US soldiers (Madley 2016).

The formation of the State of California was predicated on violence and founded through genocide. One of the very first laws passed by the nascent legislature was the 1850 Act for the Governance and Protection of the Indians. Unfortunately, this law did neither. First and foremost, this act stripped California Indians of legal rights, including the ability to testify against a white person in court ("An Act for the Government



and Protection of Indians,” 1850). Furthermore, this act “facilitated removing California Indians from their traditional lands, separating at least a generation of children and adults from their families, languages, and cultures (1850-1865), and indenturing Indian children and adults to Whites” (Johnston-Dodds 2002:5). Norton argues that this law amounted to slavery (Norton 1979:44). Included in Norton’s book is an excerpt from a letter written by G.M. Hanson in 1861; in the letter a man testifies to Hanson regarding the kidnapping of two Indian children.

[The man] who testified [said] that “it was an act of charity on the part of the two to hunt up the children and then provide homes for them, because their parents had been killed, and the children would have perished with hunger.” My counsel inquired how he knew their parents had been killed? “Because,” he said, “I killed some of them myself.” (Norton 1979:49)

While this law certainly constituted slavery, it also paved the way to state-sponsored genocide. “California’s systems of Indian servitude – directly linked to murderous kidnapping raids and massacres, the forcible removal of children from their tribes, and frequently lethal working conditions – would become a major component of California genocide” (Madley 2016:161). Following the passage of the 1850 Act, California Congress passed legislation creating two militias – one voluntary and one compulsory – to exterminate California Indians; these genocidal campaigns were funded by both the State of California and the

USFG (Madley 2016:174-175). The death toll of California Indians from American colonization was the most extreme; between 1846 and 1870 the California Indian population plunged from 150,000 to less than 30,000 (Cook 1978; Madley 2016; Tolley 2006).

In the following two years, 1851 and 1852, U.S. Indian Commissioners negotiated 18 treaties with California Indian tribes, reserving 11,700 square miles (7.5 million acres) of land – roughly 7.5% of the State of California (Johnston-Dodds 2002). The President submitted the treaties to the U.S. Senate on June 1, 1852, but the legislature was determined that the golden paradise of California not be left to Indian hands. The treaties were rejected by the U.S. Senate during a secret session and the documents were placed under an injunction of secrecy. The 18 treaties were not revealed to the public – or even the respective tribal nations – until January 18, 1905, after the injunction of secrecy was removed (Johnston-Dodds 2002). Many California Indian tribes were never informed that the treaties had not been ratified and were forced to renegotiate treaties, leaving them with much smaller land bases (Secrest 2003). And many tribes never received land bases or federal recognition (Tolley 2006). This is the process through which Indigenous peoples were dispossessed from their ancestral territories. This era of California Indian history is characterized by the systematic eradication of Indian rights to lands and waters.

The genocide of California Indians and the appropriation of lands (via unratified treaties and outright theft) are linked in intent and harm. As a project, settler colonialism must simultaneously rid the land of the Indigenous

population to acquire new lands. The large-scale eradication of Native peoples -- while simultaneously refusing to ratify treaty negotiations -- both meet the goals of settler colonialism. Moreover, for those who managed to survive the historical era of direct mass killing continued to struggle to survive because of a lack of a land base. And in addition to land theft, many lands throughout California have been targeted for natural resource extraction, development, or have experienced environmental destruction in one capacity or another. Therefore, we must understand both mass killing and land theft as central to the genocide of California Indians and the ongoing project of settler colonialism. This essay now turns to a theoretical discussion of the relationships between settler colonialism and genocide, with an explicit focus on land.

### **It All Comes Back to Land: Relationships Between Settler Colonialism and Genocide**

Yurok elders say that as long as the River is sick, Yurok people will never be healthy. All that sustains us comes from, or depends upon, the River. We exist in a reciprocal relationship with the River and the health of Yurok people is fundamentally tied to the vitality of salmon and the Klamath River. But, over a century of neglectful and abusive behaviors that has disregarded the River's wellbeing has led to contamination and injury. From deadly dams to clear cutting forest to massive agricultural diversions, drastic declines in water quantity/quality have reduced salmon runs on the Klamath River by as much as 95% (May et al. 2014). And, in 2002, tragedy struck

when Yurok people witnessed the largest fish kill in American history. In 2002, over 70,000 salmon died along the lower Klamath River. This was genocide. We often only use the word genocide for people, but within Yurok epistemology salmon are also people, understood as relatives or ancestors. To us, the fish kill was genocide. Nor is this an isolated event. Tasha Hubbard (2014) argues the strategic and systematic slaughter of buffalo constitutes an act of genocide; "in other words, destroy the buffalo, and one destroys the foundation of Plains Indigenous collectivity and their very lives" (p. 294). Nick Estes (2019) argues that it took settlers nearly a century to exterminate the estimated 25 to 30 million buffalo, "forcing the survivors of the holocaust, much like their human kin, west of the Mississippi River" (p. 78). Violence against Indigenous bodies has been paralleled as violence against the natural world and non-human kin. And thus, attempts to destroy buffalo are attempts to destroy buffalo people; and attempts to destroy salmon are an attempt to destroy salmon people. Given the reciprocal and familial relationships that Native peoples have formed with their places and non-human kin, the severing of these relationships represents profound cosmological and epistemic violence (Tuck & Yang 2012). To heal from settler colonial and genocidal violence in California, therefore, it is crucial to center and prioritize land return (decolonization) and ecological restoration. Violence against the land is violence against Indigenous peoples -- because we are the land, and the land is us. By healing the land, we heal ourselves.

All Indigenous political struggles always come back to the issue of land.

And, by land, I am not referring to the settler compartmentalization of land as composed of top soil, subsoil and bed-rock; rather, land throughout this essay refers to the entire biosphere that Native peoples maintain relationships with, including land, air, water, etc. Contemporary problems that Native American communities face, such as higher rates of disease, poverty, violence, suicide, drug abuse, and language loss among others, “are all political problems when viewed within the context of settler colonialism... The root causes of these problems are all found in the political economy of settler colonialism, which is inextricably linked to the exploitation of indigenous lands” (Carroll 2015:12). Meaning, the various social, political, economic, and environmental threats facing Indian County are not the problem, but merely symptoms of a structure of oppression designed to eliminate Native people. This structure is called settler colonialism.

Settler colonialism is a form of colonialism wherein settlers create a new home for themselves on land apart from their homeland. This form of colonialism differs from traditional extractive forms of colonialism wherein the colonial power seeks to extract natural resources and human bodies for wealth accumulation and labor (e.g. Berlin Conference); within settler colonialism, the imposing settler state insists upon “settler sovereignty over all things in their new domain” thereby legalizing settler colonial institutions while simultaneously criminaliz-

ing Indigenous ecological practices and relations to land (Tuck and Yang 2012:5). The primary goal, then, is to expropriate Indigenous territories and replace Indigenous peoples with settlers. To do so, settlers are “discursively constituted as superior and thus more deserving over these contested lands and resources” through ideological justifications and legal fictions such as terra nullius, manifest destiny, and the Doctrine of Discovery (Saranillio 2015:284). But this process is never fully complete. Anthropologist Patrick Wolfe (2006) argues settler colonialism is not an event that occurred in the past and is over now; rather, settler colonialism is a structure that must be continually perpetuated and reproduced.<sup>2</sup> And thus, settler colonialism is fundamentally about the elimination Indigenous populations to replace them (Wolfe 2006) – to then reproduce settler colonial structures and populations (Arvin 2013).

Numerous scholars have written about the inherently violent nature of settler colonialism. Yet, despite its emphasis on elimination, Wolfe argues that settler colonialism is “inherently eliminatory but not invariably genocidal” (2006:387). Published in the *Journal of Genocide Research*, Wolfe’s often-cited essay explores the relationship between genocide and the settler colonial tendency he names the logic of extermination. The logic of extermination refers to the “summary liquidation of Indigenous peoples” and the “dissolution of native societies” (p. 388). This is accomplished

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2. The example I give to my students is that every morning that I wake up and the deed to Yurok ancestral territory belongs to Green Diamond Timber Company or the Redwood National Park, settler colonial land dispossession is reproduced.

through myriad strategies including land dispossession, miscegenation, child abduction, religious conversion, and of course, mass killing. While Wolfe concedes there are commonalities between settler colonialism and genocide, namely the “organizing grammar of race” (p. 387), he argues that they must not be conflated. His rationale is that, first, the elimination of Native peoples can occur without genocide and, second, genocides have occurred in the absence of settler colonialism.

The relationship between settler colonialism and genocide is contentious within Indigenous and genocide studies discourse. While relying on Wolfe’s articulation of settler colonialism as a structure, many Native scholars have differed with Wolfe, specifically regarding the relationship between settler colonialism and genocide. For example, historian Roxanne Dunbar-Ortiz (2014), argues that, from its beginnings [Euro-American settler colonialism has had] genocidal tendency[ies]” and as a structure, settler colonialism is “inherently genocidal in terms of the genocide convention” (p. 8-9). Gilio-Whitaker and Robles (2019) argue that the settler colonial logic of elimination is “fundamentally genocidal because it seeks to wipe away every trace of the original inhabitants and replace them with invading populations”. But for Wolfe, the process of elimination can occur without constituting genocide.

How to draw the boundaries of what and what does not constitute genocide has been a critical point of contention within genocide studies discourse.

Coined by a prosecutor for the Polish Republic named Raphaël Lemkin in the mid-twentieth century, the term *genocide*, combines *genos*, the Greek word for tribe or race, and *cide*, Latin for killing (Short 2016). Lemkin is credited for the impetus of the United Nations’ 1948 Convention on the Prevention and Punishment of the Crime of Genocide, also referred to as the Genocide Convention. However, in his book *Redefining Genocide: Settler Colonialism, Social Death, and Ecocide*, sociologist Damien Short argues that legal definitions of genocide – and genocide studies scholars --conveniently ignore Lemkin’s links between genocide and colonization and his articulations of “genocide’s inherently colonial character” (Short 2016:3). Of course, this should not be surprising as it is nation-states themselves responsible for crafting, and subsequently approving the Genocide Convention. Nation-states that acquired their wealth through colonization are unlikely to articulate colonization, and specifically settler colonialism, as a mode of genocide.<sup>3</sup> However, what is key to point out is that even the very initial theorizing of the concept of genocide has always articulated intrinsic relationships between it and colonization. I suggest that this is uniquely magnified in the context of settler colonialism namely because of the necessity for settler land acquisition and the elimination of Native populations. This is especially true in California as previous westward removal policies employed by the federal government became futile when they reached the coast. Therefore,

3. Four major settler states -- including the United States, Canada, Australia, and New Zealand -- did not initially sign the UN Declaration of the Rights of Indigenous People in 2007.



it is critical that historical processes of colonization and contemporary modes of settler colonial reproduction figure into our analysis and understanding of what constitutes genocide, and even more importantly, how to heal from it.

There must be a new conception of genocide. Writing about the experiences of Indigenous Australians, Genocide Studies scholar Tony Barta (2000) argues this new conception must embrace what he refers to as “relations of genocide.” He uses this concept to describe a society whose very existence and perpetuation necessarily results in “remorseless pressures of destruction [on a whole race, that is] inherent in the very nature of the society” (p. 240). Because the United States required stolen land merely to exist, genocidal relationships with Indigenous people is an inherent characteristic of the settler state. Moreover, Barta’s conception of genocidal relations “removes from the word the emphasis on policy and intention which brought it into being” (p. 238). Many genocide studies scholars conflate intent with motive and thus “require that groups be intentionally targeted *because of who they are* and not for any other reason such as economic gain” (Short 2016:16). Within the context of settler colonialism, the logic of extermination is merely driven by desire for land acquisition and thus, in this line of argumentation, settler colonialism is not inherently genocidal – as it lacks the clear intent to eliminate a group of people. And this is where the disconnection between genocide and settler colonialism occurs, for Patrick Wolfe at least. However, this is problematic because, as Short points out, “the primary driver of colonial genocide is an expansionist economic system, which rationally re-

quires more and more territory to control and exploit” (Short 2016:24-25). The result of which has been direct physical killing of California Indians, but also land appropriation and the removal of California Indians from their traditional homelands and thereby separating them from their non-human relations, sacred sites, and cultural practices. Rather than spend intellectual energy to disprove the reality of the California Indian genocide on a definitional technicality -- which is arguably not a worthwhile academic endeavor nor does it contribute to the larger project of healing from the settler colonial violence that took place here -- Barta suggests we seek to understand the ways in which genocidal violence, or the repercussions thereof, continue to play out in our society. Barta’s recognition of the ways in which genocide continues to shape the present is responsive to Lumsden’s critique of methodologically relegating genocide in the past. By interrogating the produced relations of genocide, we can recognize the ways in which logics of extermination are perpetuated and reproduced.

Settler colonial land dispossession and settler colonial relationships to land facilitate what Barta refers to as “relations of genocide.” Settler society is constructed on top of Indigenous societies; or, as Potawatomi scholar Kyle Powys Whyte (2016) puts it: “settler ecologies have to be inscribed into indigenous ecologies” (p. 171). Therefore, we must understand the continued separation of Indigenous peoples from their ancestral homelands and environmental destruction as a perpetuation of profound violence. In light of Barta’s critique of intentionality as a critical component of what constitutes genocide, Short (2016) suggests that

“if we take the *genos* in genocide to be a social figuration which forms a comprehensive culture... then *genocide is the forcible breaking down of such relationships* – the destruction of the social figuration” (p. 36). While numerous scholars have examined the ways in which settler colonial dispossession works to break down relationships between Indigenous peoples and in that way constitutes genocide, these lines of analysis operate within a Western worldview that ideologically separates human beings from nature in the construction of social relationships. This human-centric epistemology does not consider other species, or relations, nor the agency of the natural world. How is our notion of genocide -- or the forcible breaking down of relationships -- altered when our position of analysis considers a kinship-oriented relationship to and with land?

Within Indigenous worldviews, Earth is universally understood as a living entity and all creation is related. As many Indigenous communities and Native American Studies scholars have argued, Native communities maintain complex and dynamic relationships to their land bases. Our creation stories tie us to the places we originated. Our languages emerged from our homelands. Our lands and waters provide our material and spiritual needs, but are fully integrated members of our communities, serving critical roles such as grocer, educator, pharmacist, counselor, and friend. And perhaps most importantly,

within Indigenous epistemologies, land possesses agency. It is not a commodity that can be bought, sold, or owned by human beings.<sup>4</sup> Indeed, land holds both metaphorical and material power for Native peoples because it provides the basis for physical existence, but also identity and spirituality; thus, “the importance of land stretches far beyond its role as the space on which human activity takes place; for Natives it is a significant source of literal and figurative power...Within Native studies, land has been theorized as the living entity that enables indigenous life” (Nohelani et. al 2015:59). And if land enables Indigenous life, the dispossession or contamination of those lands threatens Indigenous life.

For Indigenous peoples, environmental injustice began with the invasion and colonization of our lands. Not only must Indigenous environmental justice struggles be analytically framed by colonization, settler colonialism *itself*, as a structure, constitutes an environmental injustice (Whyte 2016). Contrary to Indigenous relationships to land ensconced in relationship and reciprocity, settler colonial ecology compartmentalizes and controls land through the construction of property. Land, then, is transformed into a non-living object to be utilized for human consumptive purposes and wealth accumulation. Humans, within this socioecological context, are devoid of familial relationships with land or non-human kin. Moreover, familial relationships to land built on rec-

4. For example, in Kanaka Maoli (Native Hawaiian) language, the word for land, *ko’u ‘āina*, the “o” is a possessive that indicates inherent status and it is also found in the word for my body (*ko’u kino*) and my parents (*ko’u mākaua*); thus, within Kanaka Maoli epistemology one cannot own land, like one cannot own their parents or body parts – it is an inherent part of one’s existence (Trask 1993).

iprocity and mutual respect are marked as “pre-modern and backward. Made savage” (Tuck and Yang 2012:5). Native relationships to land are demarcated as uncivilized/pagan, as well as wasteful because they were not fueled by profit. Settler depictions of Native relationships to land are then employed by settlers to justify the dispossession and appropriation of those same lands. Unsurprisingly, then, Native lands are also targeted for environmental destruction necessary to maintain settler lifestyles, serving as what Voyles (2015) terms sacrifice zones, “or landscapes of extraction [that] allow industrial modernity to continue to grow and make profits” (p. 10). Uranium mining, nuclear testing, and toxic waste storage are all disproportionately sited on Native lands, to name but a few (LaDuke 1999). Dina Gilio-Whitaker (Colville Confederated Tribes), argues that “the origin of environmental injustice for Indigenous peoples is dispossession of land in all its forms” and thus settler colonialism must be understood as a “genocidal structure that systematically erases Indigenous peoples’ relationships and responsibilities to their ancestral places” (Gilio-Whitaker 2019:36). In addition to settler colonial land dispossession, we must also understand the institutionalization of colonial relationships to land via a private property regime *and* the ongoing environmental injustices experienced by Native peoples as relations of genocide.

Such injustices include the contamination of our ecosystems. Tlingit scholar Anne Spice (2018) argues “colonization is the foundation of environmental decline.” Specifically, Spice uses the example of environmental toxins found in our lands, waters, and bodies to illustrate her

connection between environmental spoliation and settler colonialism. Firstly, Spice points out that often the discourse around ‘toxics’ -- stemming from the Greek word for bow and arrow -- in the environment lacks intentionality or agency. They just happen to be there. How convenient, given the given the emphasis on intent in the definition of genocide. Instead, Spice encourages us to rethink this passive understanding of toxics.

Toxicity is violence. More specifically, it is settler colonial violence. Toxicity and the invasive infrastructures it spills from separates us from the land by damaging our relations to it. If our lands are toxic, the more we engage in our cultural practices, the more we risk harming our bodies. Toxicity turns our relations against us. It kills us through connection. It eliminates us as Indigenous peoples by making Indigenous practices dangerous. Don’t eat the fish, don’t drink the water, don’t gather the berries. It does the work of settler colonialism by destroying to replace. Our ways of sustaining ourselves, our local economies, our food provision, our medicine, are cleared for the expansion of an economy based primarily on oil and gas. Here, the pipeline spills and toxic emissions, while perhaps “accidents,” are not without direction or intent. Trace the poison arrow back through its flight path, to the archer. Who is holding the bow? (Spice 2018).

And who is left with arrow wounds? Gone are the days of child abduction and violent boarding school educations, but deterrents from practicing our cultures

remain. Basket weavers risk the ingestion of poisons as they run strands of grasses through their mouths. As we gather materials in our forests, we must wonder when the last time the United States Forest Service sprayed atrazine from above. We watch the algae swell -- fed by myriad pesticides and herbicides -- and choke once clear rivers.

And yet, there seems to be a reluctance to use the term genocide to describe the type of ecological and cosmological violence Indigenous peoples experience in the present. As Short (2016) argues in his book, when indigenous people “invoke the term genocide to describe their present-day experiences it is often derided. And yet... [their] use of the concept is often more accurate and precise than that espoused by many scholars” (p. 6). Ecological violence lacks the intent so crucial to substantiating a claim of genocide. Brook (1998) argues “[environmental] genocide is not (usually) the result of a systematic plan with malicious intent to exterminate Native Americans, it is the consequence of activities that are often carried out on and near the reservations with reckless disregard for the lives of Native Americans” (p. 105-106). However, I urge us to entertain Spice’s criticism of the lack of agency and intentionality associated with environmental destruction and ask who is holding the bow. Who benefits from environmental spoliation and who suffers the consequences? By differentiating environmental violence as non-genocidal, we limit our ability to understand the ways in which relations of genocide continue into the present.

Some scholars maintain this differentiation by describing the ecological violence experienced by Indigenous

peoples as ecocide, rather than genocide. The distinction between genocide and ecocide stems from a worldview that ideologically separates human beings from nature, failing to recognize the interconnection and interdependency between people and ecosystems. In reality, we are a part of the land and the land is us. Moreover, the concept of ecocide is rife with historical baggage and limitations that, in my view, prevent it from fully articulating present-day Indigenous experiences. Coined by Professor Arthur W. Galston in 1970 to condemn the environmental destruction of Operation Ranch Hand during the Vietnam War, ecocide was originally intended to describe wartime situations wherein the environment was specifically targeted as victim. Use of the term has broadened since entering popular lexicon, and is now used to describe a large variety of environmental problems, including critiques of settler colonial land dispossession and destruction of Indigenous cultures. But, unlike genocide, ecocide is not recognized as an international crime and, therefore, creating a distinction between genocide and ecocide is of little use to Indigenous peoples. Moreover, such a distinction is nonsensical for Indigenous peoples because environmental destruction directly translates to our own destruction. It is “*genocide through geocide*, that is, a killing of the people through a killing of the Earth” (Brook 1998:111). For California Indians, the destruction of our non-human relatives or our ancestral territories constitutes genocide. Both concepts of genocide and ecocide stem from a settler colonial worldview that ideologically separates humans from nature. While understanding the vary-



ing methods or modes of genocide are significant in explaining our experiences to settler populations and sympathetic academics, when everything is taken into consideration the primary task at hand remains healing from what occurred here.

Both people and the land must heal from genocide. The land -- and trees, and rivers, and rocks -- were witness to the genocide that occurred here. The land experienced great violence during the California genocide. The environmental destruction endured during the Gold Rush in California has left long lasting impacts that continue to impact Native peoples today. To begin healing from the genocide that tried to destroy our lands and our peoples, we must engage in community environmental restoration. This is not to devalue other critical methods of healing -- such as language revitalization, cultural restoration, and mental health treatments to address what Anishinaabe scholar Lawrence Gross (2003) refers to the "post-apocalypse stress syndrome" (p. 128). Rather, I suggest that by engaging with community-centered environmental restoration projects, we can restore relationships with each other and with our environments. If we understand genocide as the forcible breaking down of relationships, healing from genocide necessitates the rebuilding and strengthening of relationships Indigenous peoples have had with the natural world since the beginning of time. For example, Fox et. al (2017) demonstrate how river restoration "has the potential to not only restore ecosystem processes and services, but to repair and transform human relationships with rivers" (p. 521). Again, I am reminded that if our river is sick, our people will never

be healthy. The process of working together to rectify historical wrongs can have transformative powers.

However, often when we discuss how we will heal from the California Indian genocide, the onus is often placed on Native peoples -- as if we are the only people that must heal from the genocide that took place here. Madley (2016) argues that "the question of genocide in California under US rule also poses explosive political, economic, educational, and psychological questions for all US citizens. Acknowledgement and reparations are central issues" (p. 9). While the wellbeing of Native communities must be prioritized, to be sure, it is important to point out that, much like the descendants of genocide survivors, the beneficiaries of that genocide, and specifically descendants of the perpetrators, also hold historical traumas that they must work through, process, and heal from. Unfortunately, there remains pervasive denial of the California Indian genocide and many historians are unable to come to terms with this reality. And while I agree with Madley that the California Indian genocide poses critical questions for all citizens, acknowledgement of what occurred does not aid in the healing process -- as settlers continue to benefit from the California Indian genocide. The acknowledgement of genocide is akin to the now in-vogue land acknowledgements offered by universities and other institutions. A land acknowledgement is a political statement that encourages non-Native people to recognize that they are on Indigenous lands, often said before events or gatherings. Anishinaabe scholar Hayden King, who wrote the land acknowledgement at Ryerson University,

says he now regrets writing it because it “effectively excuses [non-Natives] and offers them an alibi for doing the hard work of learning about their neighbors and learning about the treaties of the territory and learning about those nations that should have jurisdiction” (CBC Radio 2019). Often land acknowledgements problematically thank the original stewards, despite not having permission, and use past tense verbs to describe Native people’s relationship to that place, despite it being ongoing. Much like Hupa scholar Stephanie Lumsden’s critique of California Governor Newsom’s acknowledgement of the California Indian genocide, if it doesn’t compel one to do anything about it -- like return *stolen* land -- it doesn’t do anything for Native people.

On June 18, 2019 – the day he formally apologized to Native Americans on behalf of the State of California – Governor Gavin Newsom issued Executive Order N-15-19 which, in addition to documenting his formal apology, requires the Governor’s Tribal Advisor to establish a “Truth and Healing Council.” To be composed of California tribal representatives and/or delegates, the purpose of the Council is “to provide Native Americans a platform to clarify the historical record and work collabo-

ratively with the state to begin the healing process” (State of California 2020). While I remain hopeful that this Council will serve useful to tribal communities in some capacity, my frustration with the settler state persists. The genocide against California Indians is not “Native history” – it is California’s history. The State already has access to these historical records because the State compiled them in 2002 (Johnston-Dodds). Moreover, California Indians have been clarifying the historical record for a very long time. Jack Norton’s seminal text *When Our World Cried: Genocide in Northwestern California* was published over forty years ago. Even white historians have put our truth in books and used the violence perpetuated against California Indians to sell more copies and secure tenure for themselves. The truth is widely available – but what is the State of California going to do with our truth?

I implore the Truth and Healing Council to advocate for land return and ecological restoration. The dispossession and destruction of our lands was central to the California Indian genocide; therefore, the return and restoration must play a central role in healing from that same genocide. Powerful examples of healing are occurring with California<sup>5</sup> through-

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5. In a report compiled by Dr. Cutcha Risling Baldy and Carrie Tully (2019) to advocate that Humboldt State University return the Jacoby Creek Forest to the Wiyot Tribe, they outline numerous examples of land repatriations in California, including: the Tasmam Koyom (or Humbug Valley, CA) to the Maidu Summit, Blue Creek (in Klamath, CA) to the Yurok Tribe, Sogorea Te’ Land Trust (in Oakland, CA) to the Ohlone Tribe, Kuuchamaa Mountain and Ah-Ha Kwe-Ah-Mac’ village (in Tecate, CA) to the Kumeyaay-Diegueño Land Conservancy, and Old Woman Mountains (in San Bernardino) to the Twenty-Nine Palms Band of Mission Indians.

out Indian Country.<sup>6</sup> The return of stolen land is possible. Healing is possible.

Returning stolen land to Indigenous peoples is a growing movement with not only international and national examples, but a very important and groundbreaking local example in the recent return of 200 acres of Tuluwat Island (sometimes referred to as “Indian Island”) to the Wiyot Tribe in October 2019. The movements for decolonization in education, research and policy must necessarily include the return of land to Indigenous peoples. (Risling Baldy and Tully 2019:7)

On October 21, 2019 the City of Eureka returned Tuluwat Island -- a site of both world renewal and genocidal violence -- to the Wiyot Tribe in northwestern California. This is “the first time in the history of our nation that a local municipality has voluntarily given back Native land absent an accompanying sale, lawsuit, or court order” (Greenson 2019). A ceremony was held to celebrate the return. Tribal leaders and city officials called for “more collaboration, more community-building, more healing, and more returning land” (Risling Baldy and Tully 2019:12). Let this beautiful example give us momentum and propel us into a decolonized future.

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6. Across the nation, more land is being returned across the nation -- by universities, missions, governments, non-profits, and even individuals (Risling Baldy & Tully 2019). Two notable entities include Brown University and the Jesuit St. Francis Mission. The State of Oregon passed the Western Oregon Tribal Fairness Act in 2018 to return 17,000 acres to the Cow Creek Band of Umpqua Indians and 15,000 acres to the Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians. And, despite a financial loss by the transaction, a plumber in Colorado named Rich Synder, returned his land to the Ute Tribe because it was right.

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